



# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, APRIL 10, 2007

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:45 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

### CALL PLANNING COMMISSION MEETING TO ORDER

**ROLL CALL:**                    *P*                    *P*                    *A*                    *P*                    *P*                    *P*                    *P*  
*Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley*  
*(Commissioner Livengood excused absent)*

### AGENDA APPROVAL

A MOTION WAS MADE BY HORGAN, SECONDED BY DWYER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF APRIL 10, 2007, BY THE FOLLOWING VOTE:

AYES:                    Shier-Burnett, Speaker, Dwyer, Scandura, Horgan, Farley  
NOES:                    None  
ABSENT:                Livengood  
ABSTAIN:                None

### MOTION APPROVED

#### **A.    PROJECT REVIEW (FUTURE AGENDA ITEMS):**

##### **A-1.    MITIGATED NEGATIVE DECLARATION NO. 05-05/COASTAL DEVELOPMENT PERMIT NO. 05-07 (APPEAL – NEWLAND STREET WIDENING) – Jane James**

Jane James, Senior Planner, gave an overview of the proposed project and referred to the late communication provided. This item was appealed to the Planning Commission by Commissioner Horgan.

Commissioner Shier-Burnett asked the reason for the wetlands determination. Staff replied that all three parameters of hydric soils, vegetation and hydrology for wetlands determination were met.

Commissioner Horgan stated her concerns regarding the wetlands restoration and asked for them to be addressed at the April 24, 2007, Planning Commission meeting.

Discussion ensued between the Commissioners and staff regarding funding, notification, and right-of-way.

Commissioner Speaker asked if the Coastal Commission was notified of the Negative Declaration. Staff confirmed the Coastal Commission was notified and that no comments were received in response to the notification.

**A-2. ENTITLEMENT PLAN AMENDMENT NO. 06-07 (LOWE'S RETAIL PAD SITE MODIFICATION) – Tess Nguyen**

Tess Nguyen, Associate Planner, gave an overview of the proposed project and stated that the initial approval was for a 8,500 sq. ft. restaurant and the proposed change includes retail uses. The new uses will meet all the development standards.

Horgan voiced concern with the traffic impact report. Staff confirmed that the traffic count was incorporated into the Environmental Impact Report (EIR) of the Lowes project and the change of use will not be an issue.

Scandura questioned the need for a separate environmental analysis. He requested information on suggested noise conditions for the proposed tire shop and a parking comparison between the restaurant and retail uses.

**A-3. TEMPORARY USE PERMIT NO. 07-01 (APPEAL – HUNTINGTON SURF & SPORT OUTDOOR SALES) – Ron Santos**

Ron Santos, Associate Planner, gave an overview of the request stating it had been appealed by Commissioner Shier-Burnett. Staff noted a correction to the square footage to 297 sq. ft. in the Staff Report. Staff stated that there were no speakers at the Zoning Administrator's public hearing and that one letter in opposition to the request was received.

Shier-Burnett requested a copy of the letter. She explained her concern was not specifically with Huntington Surf & Sport, but how the request fits the vision of Main Street for the future. She proposed Jack's Surf Shop and Huntington Surf & Sport permits expire concurrently.

Discussion ensued between staff and the Commissioners in relation to revocation, duration of the TUP; waiving of fees; and the success of Main Street, Tuesday's "Surf City Nights".

Scandura requested a copy of Jack's Temporary Use Permit and a larger map of the Main Street outdoor sales area for the next meeting.

**B. STUDY SESSION ITEMS- NONE**

**C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS):**

Herb Fauland, Acting Planning Manager, reviewed the agenda items for the 7:00 p.m. portion of the meeting.

**D. PLANNING COMMISSION COMMITTEE REPORTS:**

Commissioner Farley reported he attended the Environmental Board meeting on April 5, 2007. They discussed the Urban Runoff Master Plan, solar energy and green building.

Commissioner Horgan reported that the Green Building Subcommittee met and drafted a plan regarding green building policies for the City of Huntington Beach. She also mentioned that the committee will meet with staff on Wednesday, April 12, 2007. Horgan also asked if the Commissioners received the email inviting them to the Orange County Division of the League of California Cities meeting on Thursday in Tustin.

Commissioner Shier-Burnett recommended that Commissioners attend the upcoming Orange County Water District tour.

**E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting) - NONE**

**F. PLANNING COMMISSION COMMENTS:**

Chair Scandura commended Scott Hess, Director of Planning, on his recent appointment.

Scandura requested feedback on the public hearing process, and suggested having a future Study Session on the topic or at the upcoming workshop.

**6:30 P.M. – RECESS FOR DINNER**

**7:00 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Commissioner Horgan

**ROLL CALL:**                    *P*                    *P*                    *A*                    *P*                    *P*                    *P*                    *P*  
*Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley*  
*(Commissioner Livengood excused absent)*

**AGENDA APPROVAL**

**A MOTION WAS MADE BY HORGAN, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION AGENDA OF APRIL 10, 2007, BY THE FOLLOWING VOTE:**

**AYES:**                    Shier-Burnett, Speaker, Scandura, Horgan, Dwyer, Farley  
**NOES:**                    None  
**ABSENT:**                Livengood  
**ABSTAIN:**                None

**MOTION APPROVED**

**A. ORAL COMMUNICATIONS - NONE**

**B. PUBLIC HEARING ITEMS:**

- B-1. ZONING TEXT AMENDMENT NO. 06-08 (AMENDING CHAPTER 230.96 WIRELESS COMMUNICATION FACILITIES).** **Applicant:** City of Huntington Beach **Request:** To amend Chapter 230, Section 230.96 (Wireless Communication Facilities) of the Huntington Beach Zoning and Subdivision Ordinance to allow the City to exercise reasonable control over the time, place and manner by which telephone corporations use the public right-of-way to install and operate their facilities. The proposed ordinance requires that all future wireless communication facilities obtain approval of a Wireless Permit by the Director prior to installation regardless of location. **Location:** Citywide. **Project Planner:** Rosemary Medel

**STAFF RECOMMENDATION:** Motion to: "Approve Zoning Text Amendment No. 06-08 with findings for approval and forward Draft Ordinance, including the legislative draft to the City Council for adoption."

**The Commission made the following disclosures:**

- Commissioner Shier-Burnett spoke with staff.
- Commissioner Speaker attended the Study Session
- Commissioner Horgan – None.
- Commissioner Dwyer – None.
- Commissioner Farley attended the study session.
- Chair Scandura spoke with staff.

Rosemary Medel, Associate Planner, gave a PowerPoint and reviewed the amendments to the Zoning Text Amendment.

**THE PUBLIC HEARING WAS OPENED**

**WITH NO ONE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

Shier-Burnett requested clarification of the wireless application process. Leonie Mulvihill, Senior Deputy City Attorney stated that the proposed permit language could be modified to further clarify the wireless permit application process.

Commissioner Farley asked about a possible bond requirement from wireless communications companies should they need to be removed or go out of business.

Mulvihill stated that staff is working on the bonding requirement for the public right-of-way and possible changes to the municipal code.

Discussion ensued regarding language changes and approval methods in relation to the abandonment of the wireless communication facility.

**A MOTION WAS MADE BY HORGAN, SECONDED BY FARLEY TO APPROVE ZONING TEXT AMENDMENT NO. 06-08 WITH FINDINGS AND MODIFIED CONDITIONS FOR APPROVAL, BY THE FOLLOWING VOTE:**

**AYES:** Shier-Burnett, Scandura, Horgan, Dwyer, Farley, Speaker  
**NOES:** None  
**ABSENT:** Livengood  
**ABSTAIN:** None

**MOTION APPROVED**

**FINDINGS FOR APPROVAL**

**ZONING TEXT AMENDMENT NO. 06-08**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act. The (07pcm0410)

project is exempt because it involves minor amendments to Chapter 230 (Site Standards), Section 230.96 (Wireless Communication Facilities) to facilitate wireless communication facilities citywide and as they pertain to installation in the public right-of-way.

**FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 06-08:**

1. Zoning Text Amendment No. 06-08 amends Chapter 230 (Site Standards), Section 230.96 (Wireless Communication Facilities) to encourage and facilitate wireless facilities throughout the city while preventing visual clutter by locating where they are invisible to pedestrians, such as underground or co-located with other facilities when possible in a manner consistent with the goals and policies of the General Plan.
2. In the case of the general land use provision, the change proposed is compatible with the uses authorized in, and the standards prescribed for in the zoning district for which it is proposed because the amendment to Chapter 230, Section 230.96 implements a Wireless Permit process where the applicant must demonstrate that the proposed installation will be compatible with the surrounding environment, will not adversely impact the public right-of-way, will be located in the least obtrusive site, is necessary to continue wireless coverage in the area, and that co-location is not feasible.
3. A community need is demonstrated for the proposed Zoning Text Amendment No. 06-08 because the City Council approved a 45-day moratorium in August 2006, extended the moratorium by six months in September 2006, and finally approved a one year extension in March 2007, to allow that City Attorney's Office time to draft an amendment to the Huntington Beach Zoning and Subdivision Ordinance that reflects City Council directive and is current with State and Federal law.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice because the amendment to Chapter 230, Section 230.96 will encourage and facilitate Wireless Communication Facilities where they are invisible to pedestrians, and co-located with other facilities or placed underground when possible through the Wireless Permit process.

**C. CONSENT CALENDAR - NONE**

**D. NON-PUBLIC HEARING ITEMS - NONE**

**E. PLANNING ITEMS**

**E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**

**Herb Fauland, Acting Planning Manager** - reported on the items from the previous City Council meeting.

**E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**

**Herb Fauland, Acting Planning Manager** - reported on the items scheduled for the next City Council meeting.

**E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

**Herb Fauland, Acting Planning Director** - reported on the items scheduled for the next Planning Commission meeting.

**F. PLANNING COMMISSION ITEMS**

**F-1. PLANNING COMMISSION REQUEST ITEMS - NONE**

**F-2. PLANNING COMMISSION COMMENTS**

Commissioner Shier-Burnett - Urged attendance at the downtown Surf City event on Tuesday nights. She congratulated Scott Hess on his appointment to Director of Planning, and thanked Administrative Assistant, Cathy Salcedo, for her stellar service to the Planning Commission.

Commissioner Dwyer – Offered his congratulations to Scott and thanked Cathy.

Commissioner Farley – Congratulated Scott and thanked Cathy.

Commissioner Horgan – Reiterated the necessity for a study session regarding the public hearing process. She also congratulated Scott and thanked Cathy.

Commissioner Speaker – Congratulated Scott and thanked Cathy.

Chairperson Scandura – Congratulated Scott Hess and thanked Cathy and offered his best wishes.

Herb Fauland, Acting Planning Manager, on behalf of the Planning Director and staff, bid a fond farewell to Cathy Salcedo, Planning Commission Secretary and thanked her for her excellent work and dedication.

**ADJOURNMENT:**

**Adjourned at 7:35 p.m. to the next regularly scheduled meeting of April 24, 2007.**

APPROVED BY:

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Scott Hess, Secretary

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John Scandura, Chair